

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ESTATE OF DAVID COOK,</b>	:	
<b>BY DONALD COOK, ADMINISTRATOR,</b>	:	
<i>Plaintiff,</i>	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	
<b>FELICIAN SERVICES, INC.</b>	:	
<b>doing business as ST. IGNATIUS NURSING</b>	:	
<b>AND REHAB CENTER, et al.,</b>	:	
<i>Defendants.</i>	:	<b>NO. 20-cv-02367</b>

**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of November 2020, the parties having submitted a Stipulation to Dismiss the Case Without Prejudice and to Permit the Transfer of the Same to the Court of Common Pleas of Philadelphia County, it is **ORDERED** that the above-captioned matter shall be dismissed without prejudice pursuant to the attached Stipulation.

The Clerk of Court is directed to close the above-captioned matter.

**BY THE COURT:**

/s/ Chad F. Kenney

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**CHAD F. KENNEY, JUDGE**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Estate of David Cook by Donald Cook, Administrator	:	
	:	
	:	
v	:	Civil Action No. 2:20-cv-2367
Felician Services, Inc. d/b/a St. Ignatius Nursing	:	
	:	
Defendant	:	

**STIPULATION TO DISMISS THE CASE WITHOUT PREJUDICE AND TO PERMIT  
THE TRANSFER OF THE SAME TO THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY IN ACCORDANCE WITH 42 PA. C.S.A. §5103**

AND NOW, come the parties, by and through their respective counsel, and hereby stipulate to the following:

1. The above-captioned matter shall be dismissed for lack of jurisdiction without prejudice and the matter may thereafter be transferred to the Court of Common Pleas of Philadelphia County in accordance with 42 Pa. C.S.A. §5103. Any costs associated with the transfer to and/or the filing in the Court of Common Pleas of Philadelphia County shall be the responsibility of the plaintiff.
2. Once the matter is transferred to the Court of Common Pleas of Philadelphia County, the parties shall file a Praecipe substituting the correct name for the defendant as follows: "St. Ignatius Nursing Home d/b/a St. Ignatius Nursing & Rehab Center", and plaintiff shall dismiss Felician Services, Inc. as a named party; and
3. For purposes of determining the filing date of the case as it proceeds in the Court of Common Pleas of Philadelphia County, it shall be deemed to have been commenced as of the filing date at the above-captioned federal action which was May 20, 2020, in accordance with 42 Pa. C.S.A. §5103.


10/30/20

DATED

10/30/20

DATED

  
LEN P. HABERMAN, ESQUIRE  
Counsel for Plaintiff

  
EDWARD J. SCHWABENLAND, ESQUIRE  
Counsel for Defendant  
Incorrectly named as Felician Services, Inc. d/b /a  
St. Ignatius Nursing & Rehab Center and more  
Properly identified as St. Ignatius Nursing Home  
d/b/a St. Ignatius Nursing & Rehab Center